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THE
CASE
OF

Oliver St. John, Esq.

Concerning his Actions during the
late Troubles.

Concerning the King's death.

1. **I**T is said, *Cromwell* at the time of the King's Trial, both before and after His Death, often lay with me in the same Bed, or in my Lodgings.

This denied: For *Cromwell* having been all the Summer in the Warrs in *Wales*, and other where, came to *London* about the time that the King was brought from the Isle of *Wight*. my Wife then was at *Lincolns Inn*, and so continued all the time of the Trial, and after the King's Death, never lay out of my Chambers, in which, there is but one Bed save for Servants; and that *Cromwell* never lay with me, or in my Lodgings after his return to *London*.

2. That I had a hand in a Book, written by Mr. *Sadler* in Justification of the King's Death.

This denied: I never saw more then one Book alledged to be Mr. *Sadlers*, and remember not the Contents of it, but had no hand in it, nor ever knew thereof, nor what was in it, untill I found it Printed.

The truth hereof, I believe Mr. *Sadler* will affirm.

3. That Mr. *Thurloe*, late Secretary to *Oliver*, related to some of the Army that my selfe and *Cromwell* advised the King's Death.

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This denied ; or that I ever advised it with *Cromwel*, or any other person whatsoever. This was neer twelve years agoe, at which time, *Thurloe* as I believe was not acquainted with the Army, he was then my private Servant, and not *Cromwel*'s untill five years after, not being recommended by me to him ; and he had been out of my service neer two years before he was in *Cromwel*'s ; And *Thurloe* being charged with the relation, I refer my selfe to his Testimony ; and deny, that any person is able to charge me with it.

But in answer to these Rumours, and all others of this nature ;

1. I clearly and confidently affirm, that I never knew of any intention to try Him for his life, or of any one thing that tended thereto, other waies then as Common newes when all others upon the notoriety of the action, knew the same ; as of his removall from *Hombury*, or to any other place, the treaties between him and the Army, His removall from the Isle of *Wight* ; nor of any intent to try Him, nor of the matter, or manner of his Triall, or Execution or any thing conducing thereunto.

2. That in these times, upon all occasions, I manifested my dislike, and dis-satisfaction ; and this, if the House think fit, will be made good by many witnesses.

3. That I was not then of the House of Commons, for being made a Judge in *October* 1648. I sat not again untill *June* 1651. so that having nothing to do in the House, where the Commission issued, and declaring my selfe openly against it ; It is hard, these times considered, when the danger was more in shewing dislike, than consent, That I should be thought to give private advise, and the rather, because I was of no High Court of Justice, nor Commissioner of Oyer and Terminer, nor in any Circuit executed any, upon the late distractions.

2. As to the altering of the Government, to a Commonwealth.

This is denied : nor is any particular, as I hear, vouched to make so much as a colour for it ; many can witnesse my declared Judgment, both before and after, to be for King, Lords, and Commons:

mons: The then pretended House, commanded the Judges assistance and opinions, for alteration of the Government, I refused to give advise, alwayes manifested my dislike of taking away the House of Peers, and of secluding the Members in 1648. nor was then of the House of Commons.

3. That he was the dark Lanthorn, and privy Councillour, in setting up, and managing affairs in the late *Oliver* Protector's time; This wholly denied, and the contrary true, and many witnesses of my manifesting my dislike. Besides that no colour of proof is made, These circumstances will further clear it.

1. In *October* I fell sick so dangerously, that, from that time untill the end of *May*, my friends expected death; I think in *December*, or *January* he was sett up, when I was at the worst.

2. He named me one of the Councill, and summoned me to sit in that which was called the Other House. I never would come to his Councill, or sit in the other House. He made me one of the Commissioners of the Treasury: I never intermedled, or received Salary, either as a Councillor or Commissioner; I, nor any of my Relations, ever had one penny advantage by him, or by his means, directly or indirectly, save the continuance of my place as a Judge. And in the pretended Parliament 1656. when the Petition and Advice was made, my relations then, that were of the House forbore to sit all that Parliament, few others absenting themselves.

3. As soon as the Term was ended, I ever went down into the Country, and came not up untill the beginning of the Term following; seldome saw him, save before or after the Term to take leave; but followed my Calling.

4. Contracted displeasure from the Army, as a party disaffected to his Protectorship and way. And as for managing of private advice by Mr. *Thurlow*, This wholly denyed; having bred him from a youth in my service, he out of respect once or twice in a quarter of a year visited me.

4. That I had a hand in the setting up *Richard* his son, that I endeavoured to the last to resettle him.

This untrue; I never knew of his father's intent to appoint him his Successor. After the Summer Circuit, I went to my Country house, 60 miles from *London*: *Oliver* died, as I remember, about the 3d. of *September*, *Richard* was proclaimed and set up before my return to *London*: In the interim, I knew nothing of this business, but what was known all *England* over; since his being out, I never saw him, nor received any message from him, nor sent any to him; never had any thought or treaty with any to restore him; and think it strange any should think me guilty of so great a folly.

I do therefore with all humble boldness deny, that I had either in publick or private any hand in the King's death, or in the alteration of the antient Government of King, Lords, and Commons.

It is true, that when the other Governments were set up by others that I did act under them. And I humbly desire, that what I shall say for my self upon this Subject, may not be taken as a Justification, but onely as an Extenuation of my offence, for to that end onely I offer it. His Majesty in his Declaration in *April* last, and by his late Proclamation, doth graciously declare, That no crimes formerly committed, should be brought in question against any, to the least impeachment, either of Life, Liberty, or Estate, excepting onely of notorious Delinquents; and this Honorable House, in their own names, and in the names of all the Commons of *England*, did lay hold upon his Majesty's grace, which, as much as in me lay I had formerly done before the Honorable, the Speaker of this House.

And in regard the House, since the laying hold of his Majesty's grace, by their Vote of this instant *June*, have subjected me to such Pains and Penalties, as by a future Act shall be Inacted, It is a great affliction to me, that I should by them be thought unworthy of his Majesty's grace, which extends to all that are not notorious Delinquents, when as so many thousands, who have acted under these Governments, and some who have had a hand in the alteration, do partake thereof. And upon these considerations, and that the pains and penalties are not yet set, I hope it will not be offensive to any, that I set down the grounds and motives of my acting; because

because before God and Man, all actions are accounted more or lesse good or bad, from the Circumstances, Manner, and Intention of doing them.

1. As to my Embassie into *Holland* with Mr. *Strickland*, I humbly offer :

1. That it was above two years after that the Common-wealth's Government was set up ; it was set up in *January* 1648, and I was in *Holland* the latter end of *March* 1650, and continued there untill towards the end of *May* 1651.

2. I was sent against my will ; for both by Petition to the House, and otherwise, I used all means to avoid it : No reason I should desire it, considering, that *Doristlaus* sent thither before, was killed ; and the losse of a good part of the profits of my place, as Judge, in my absence.

3. Commanded by those who then, *de facto*, though not *de jure*, exercised the Supream Power of the Nation, from which, no appeal for relief could be then made.

The Embassie was, to renew the antient Amity and intercourse between the two Nations : While we treated upon these, we were recalled, *re infecta*, and the whole Embassie became fruitlesse. We did never treat concerning the exclusion of his Majesty, or his Title. And to the Allegation, that the Ministers there forbore praying for his Majesty, as an effect of this Embassie : As I never heard it before, so I am confident that no occasion was given for it by me, or that Embassie. And if it be further enquired into, I believe it will appear, that it arose from some other occasion, and at some other time. The King was all this time in his Kingdom of *Scotland*, and had been Crowned, and resident there a year before. During the time of this alteration of Government, Treaties and Alliances were made with the Princes and States formerly in amity with *England*.

I had no advantage by this Embassie ; the Plate, Furniture, Beds, and other things, claimed formerly, by Embassadours, were by us returned to the Wardrobe. The States at our Farewell, as a gratuity promised to return to each of us here in *England* a 1000 l. in Gold, which I refused ; all the reward of that Embassie was, that whereas

the Minster of *Peterborough*, being an antient and goodly Fabrick, was propounded to be sold and demolished, I begg'd it to be granted to the Citizens of *Peterborough*, who at that present, and ever since, have accordingly made use of it, *Vid. Act. 19. Aug. 1651.*

As to my acting as a Judge, I was in the place before the alteration of the Government, and did no other than the rest of the Judges, Justices of Peace, and other Ministers of Justice, for the administration of publick Justice between Party and Party, which, as the state of affairs then stood, could not otherwise have been done.

The place when I came into it was vacant, by the death of the Lord *Banks*, and none appointed by his Majesty to execute it.

As to any expressions I should use in Parliament, to set up a Government by the Long Sword :

The time alledged was before the exclusion of the Members in 1648. and if I had made any such expression, I should deservedly have been then call'd to account by the House. About that time, one of the House having used that expression, and the present debate being, Whether an Act of Parliament, procured by actuall force, were good, or not, I used this expression, That if such Acts were good, it would justify the opinion of the Gentleman, That the Long Sword must govern, which I spake of as the worst of evils.

This I the better remember, because an old Knight mistaking me, I took occasion to explain my self for his satisfaction, the House not requiring it. I have in my capacity endeavoured constantly to preserve the Civill Government, in Parliament, and out of Parliament, from the Sword and all Arbitrary Power, and have suffered for it, both from the Army, and otherwise, and from the first raising of forces in the Kingdom unto this day, I have never been privy, or consented to any action of the Army, or any Members of it, in opposition of the Parliament, or Civill Government. And as to the Acts or Ordinances made by the Convention 1653. or by *Cromwell* and his Councell, I have not onely privately shewed my dislike, but some of them having come before me as a Judge, I have not onely not acted upon them, but declared my self against them; for which, complaints have been made against me to him and his

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Councell; and as it came in my way as a Judge, I always discharge such as had been committed by the Major Generalls.

Concerning my sitting at all times after 1648, in that called the Parliament: I never sat in the Convention called in 1653, nor any thing called a Parliament, upon Summons from *Oliver* or *Richard*; though always summoned to sit in that called the other House.

I never sat in any Parliament, but that which was summoned by the King's Writ in 1640. I was not of the House in 1648. (being excluded from *October*, 1648. untill *June* 1651.) nor had any hand in exclusion of the Members, for not declaring their dissatisfaction to the Treaty in the Isle of *Wight*.

After my return from *Holland*, in *June* 1651, I was called to give an account of the Embassy in my place in the House, and was commanded again to attend the House, and so were all the other Judges, whose places were not filled up by new Elections, who accordingly sat as well as I.

I indeavoured not to have been called again into the House. I never made any Declaration of my dissatisfaction of the Treaty at the Isle of *Wight*; Upon all occasions, I declared the exclusion of the Members in 1648. to be unjust, and was instrumentall in restoring them to sit again.

I alwayes opposed my selfe, to the taking away or altering of the Law, or of the Ministry by taking away of Tythes, both which were strongly indeavoured. And not being satisfied concerning their sitting without the Lords and the Members excluded; I indeavoured the bringing in of a Free-Parliament, as a thing due to the Nation, and as the distractions then were, I thought it the best, and justest way of healing them, and this was neer effecting, when in *April*, 1653. there sitting I was hindered by *Cromwel*, and the Army.

After their sitting in *May*, 1659. I declared the same resolution, of maintenance of the Law, and Ministry, and that their sitting in Justice to the Nation, should be made use of onely as a bridge, to let in a Free-Parliament: That I fell into their great displeasure, and felt it, is well known. I know no other Cause, but the publique owning these Principles.

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After the Army had again interrupted their sitting, and about *January* last they were restored, and an Oath of Abjuration of his Majesty's Title was in question, I came out of the Country on purpose to oppose it at, or any other of that nature, and did declare that to be the cause of my coming up, and did publicly oppose the same, and the other Oath which the Council of State was enjoined to take, and did for that cause forbear at all to sit in that Council: It may be presumed, I apprehended as others did, that the issue of a Free-Parliament, would be the happy restoring of his Majesty to His Subjects; As alwayes formerly, so I then used my utmost endeavours for the calling of this therein, and had the happiness, when the force was taken from the secluded Members, after their sitting, to make the motion, to put a period to the Long Parliament, the 11th day of *March* last, which upon debate was accordingly resolved. What my carriage was in the House after their restoration, and in the Council, both before and after the rising of the House, I leave to their testimony that were present.

This Narrative, I humbly tender in answer to the Rumours spread up and down, which if true would make me guilty of the King's Death, and of alteration of the Government, from King, Lords, and Commons, all which with due humility I do deny.

And if any of my former actions shall be thought well of, these are not mentioned to justify any that are bad, (for it was but my duty therein to have done better) nor do I in any thing justify my own opinion; but humbly desire, that (the Distractions, and the Conjunction of affairs considered when they were done) my actions may receive a favourable construction. His Majesty is pleased to receive to his grace, all that have not been notorious Delinquents, (though faulty) I have done nothing from a depraved or ill intention, and therefore hope, and humbly beg, I may be likewise received into yours; which if this Honourable House, the Sanctuary of the Commons of *England*, and where we are all represented, should think me unworthy of, and should adjudge my crimes unpardonable, (the hand considered) Affliction would be added to Affliction.

FINIS.